

During examination of a national stage application filed under 35 U.S.C. § 371, PCT Rules 13.1 and 13.2 must be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. § 111. See MPEP § 1850 citing *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp. 218 (E.D. Va. 1986). Applicants submit Group I and Group II are linked by the same or corresponding special technical feature that forms a single inventive concept. A "special technical feature" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

The Patent Office asserts that the components of Group II are known substances which could be utilized in any assay already known for assaying the complement system and cites Gupta-Bansal et al. (Molecular Immunol. 2000), Zimmerman-Nielsen et al. (Scand. J. Immunol., 2002), and Roos et al. (J. of Immunol., 2001). However, the kit claimed in the Instant Application provides means for inactivating both the classical and alternative pathway making the kit suitable for assaying the physiological condition deficiencies in the lectin pathway. For instance, the kit disclosed in Roos et al. is not suitable for utilizing C1q-binding peptides and is specifically directed to inhibiting the classical pathway without affecting the alternative or lectin pathway. Further, the kit disclosed in Gupta-Bansal et al. only inhibits the alternative pathway while leaving the classical pathway active. None of the cited references disclose a kit that provides means for inactivating both the classical and alternative pathways.

Applicants, therefore, submit the inactivation of both the classical and alternative pathway for assaying the lectin pathway as discussed above is one special technical feature of the claims that links Groups I and II so as to form a single inventive concept. Therefore, the Applicants respectfully request withdrawal of the restriction requirement.

Election Requirement

The Office Action alleges an election of a single species of C1 complex inhibitors is required under 35 U.S.C § 121. Applicants are required to elect a single species of C1q, C1r, or C1s. Applicants elect C1q complex inhibitors with traverse. The species election corresponds to claims 38-41, 46, and 48-50.

During examination of a national stage application filed under 35 U.S.C. § 371, PCT Rules 13.1 and 13.2 must be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. § 111. See MPEP § 1850 citing *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp. 218 (E.D. Va. 1986). Applicants submit the C1 complex inhibitor species are linked by the same or corresponding special technical feature that forms a single inventive concept. A "special technical feature" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

The Patent Office asserts that C1 inhibitors are known and cites the Roos et al. reference. However, the method disclosed in Roos et al. is not suitable for utilizing C1q-binding peptides and is specifically directed to inhibiting the classical pathway without affecting the alternative or lectin pathway. Therefore, none of the cited references disclose utilizing the C1 inhibitors in a method for functionally determining at physiological conditions deficiencies in the lectin pathway of the complement system.

Applicants submit the method for functionally determining at physiological conditions deficiencies in the lectin pathway by inactivating both the classical and alternative pathway of the lectin pathway, which utilizes the C1 complex inhibitors as discussed above, is one special technical feature of the claims that links all the species of the C1 complex inhibitors so as to form a single inventive concept. Therefore, the Applicants respectfully request withdrawal of the election requirement.

CONCLUSION

In view of the above remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Dennis R. Daley

Dennis R. Daley
Reg. No. 34,994

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